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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,001	03/11/2005	Toshiro Ishida	034185-054	2765
21839	7590	09/05/2006	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			WEST, PAUL M	
			ART UNIT	PAPER NUMBER
			2856	
DATE MAILED: 09/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,001

Applicant(s)

ISHIDA, TOSHIRO

Examiner

Paul M. West

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7,9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasumoto (6,288,554).

3. Regarding claim 7, Yasumoto teaches a method of inspecting a sealed condition of an element, comprising: positioning an element 3 adjacent a pair of electrodes 5, the element being fabricated of a material and comprising a sealed portion 3a at which portions of the material forming the element are sealed together (Col. 7, lines 61-64); contacting the electrodes 5 to the sealed portion 3a of the element at opposite sides of the sealed portion (see Fig. 3); supplying electric current to the electrodes in contact with the sealed portion (Col. 8, lines 19-22); detecting an electrical variable in the sealed portion (Col. 8, lines 26-29); and judging a sealed condition of the sealed portion based on the detected electrical variable (Col. 8, lines 29-33).

4. Regarding claim 9, Yasumoto teaches the element 3 being a packaging container containing contents, and the sealed portion 3a contacted by the electrodes 5 is devoid of the contents (Col. 7, lines 61-64).

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5. Regarding claim 10, Yasumoto teaches the sealed portion 3a being made of plastic, which is an insulator.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasumoto (6,288,554) in view of Kakumoto et al (4,243,932).

3. Regarding claim 1, Yasumoto teaches a sealed condition inspection device, comprising: a support unit 4 for supporting an element 3 to be inspected; a pair of electrodes 5 adapted to be positioned in contact with a sealed portion 3a at positions across from one another so that the sealed portion devoid of contents is positioned between the pair of electrodes 5 (see Fig. 3); and an electrical variable detecting unit 7 for detecting an electrical variable in the sealed portion 3a. Yasumoto does not specifically teach a device for judging the sealed condition based on the electrical variable, however Yasumoto does teach using the electrical variable to determine the sealed condition (Col. 3, lines 60-63). Kakumoto et al. teach an apparatus which uses a pair of electrodes 2,3 to detect an electrical variable of an element 4, and device 5 for judging the sealed condition of the element 4 based on the electrical variable. It would have been obvious to one of ordinary skill in the art to combine the teachings of

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Kakumoto with those of Yasumoto because a judging device is a way to automate the determination process and thereby make it more efficient and consistent.

4. Regarding claim 3, Yasumoto (6,288,554) teaches the support unit 4 being a receiving board for receiving the element to be inspected to mount the element.

5. Regarding claim 4, the combination of Yasumoto ('554) and Kakumoto does not teach one of the electrodes being movably disposed, however Yasumoto ('554) does teach that the electrodes and the element must be brought into contact with each other and this requires moving of either the element, the electrodes, or both. It would have been obvious to make at least one of the electrodes movable in order to accommodate packages or varying size and/or shape.

6. Regarding claim 5, the electrodes 5 are each made up of a contacting portion and a lead wire 8.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasumoto (6,288,554) in view of Kakumoto et al. and further in view of Yasumoto (6,794,885).

8. Regarding claim 2, the combination of Yasumoto ('554) and Kakumoto et al. teaches all of the limitations as set forth above but does not teach the support unit being established in a conveyor for conveying the element. Yasumoto ('885) teaches a device for inspecting the sealed condition of an element in which a support unit is established in a conveyor 4. It would have been obvious to one of ordinary skill in the art to combine the teachings of Yasumoto ('885) with the combination of Yasumoto ('554) and

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Kakumoto because using a conveyor provides an automated and efficient way to move elements to be inspected to and from the inspection location.

Allowable Subject Matter

9. Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

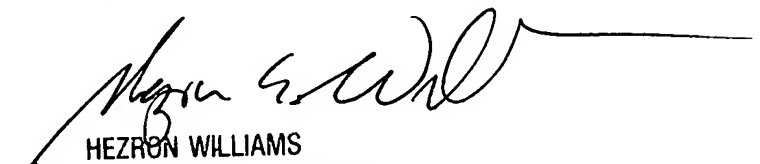
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul M. West whose telephone number is (571) 272-8590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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